

ESTTA Tracking number: **ESTTA336657**

Filing date: **03/10/2010**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91193594
Party	Plaintiff NSM Resources Corporation
Correspondence Address	NSM Resources Corporation PO Box 931162 Los Angeles, CA 90093 UNITED STATES zane@huckdoll.com
Submission	Motion to Suspend for Civil Action
Filer's Name	Zane Murdock
Filer's e-mail	zane@huckdoll.com
Signature	/zanemurdock/
Date	03/10/2010
Attachments	SuspendHuckNRoll.pdf (4 pages)(77802 bytes)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In the matter of Trademark Application
Serial Number: 77743536
Filed: May 22, 2009
Trademark: HUCKN ROLL

_____)	
NSM Resources Corporation)	
)	
Opposer)	
)	Opposition No. 91193594
v.)	
)	
Backcountry.com)	
)	
Applicant)	
_____)	

OPPOSER’S MOTION TO SUSPEND

Opposer, NSM Resources Corporation (herein “NSM Resources” or “Opposer”) hereby moves pursuant to 37 C.F.R. § 2.117(a) that the Trademark Trial and Appeal Board (herein “TTAB” or “Board”) suspend the instant opposition. In support of its motion, Opposer states as follows:

SUMMARY

Beginning in February, 2000, Zane Barclay Murdock (herein “Barclay”) founded NSM Resources. A whimsical idea of manufacturing and distributing toys internationally cooked off a kitchen counter top with homemade replicas, Barclay funded an operation that graciously supplied an industry now commonly referred to as the Action Sports Industry with a full set of toys. In addition, Barclay determined the colloquial word “huck” worthy of protection, and set out to decipher the difference between parlance and unjust enrichment. As a result of the

immediate success of the product and the label, namely the product HUCK DOLL[®] and the label HUCK[®], in due course a series of disputes has ensued.

Today Applicant Backcountry.com (herein “Backcountry” or “Applicant”) filed a document entitled “Answer and Counterclaims” (herein “the document”) in the instant opposition. Simply put the document has no truth to it, and in fact invokes evidence to the contrary. A layman would probably look at the document and say “sounds like the pot calling the kettle black” or label it as another “diatribe” made on behalf of the Applicant to further deride the Opposer. Maybe if the document had some relatively conclusive information or spoke to any amount of reality, the Board could help the two sides come closer towards a solution. However, after reading the document, one would hopefully understand more clearly why in fact the Opposer did file a civil action in the Central District of California against the Applicant. On March 22, 2010, in Los Angeles, California, an Honorable Federal District Court Judge will decide whether in fact Barclay can argue on behalf of his business in Federal District Court, or whether the Defendants have emerged triumphant in their quest to eliminate the voice of Barclay, an admittedly overwhelmed small business practitioner. This instant opposition proceeding has become now a lengthy set of false accusations made on behalf of the Applicant that maybe the two sides will have a better chance to enact an amicable agreement when out of the direct hands of such representatives as the one that filed the document today. Thus, a suspension of this opposition seems important.

CONCLUSION

For all the above reasons, Opposer respectfully submits that good grounds exist for granting this Motion to Suspend the Cancellation Proceeding, and such action is respectfully requested.

Sincerely yours,
/zanemurdock/
Zane Murdock
President / NSM Resources
NSM Resources Corporation
PO Box 931162
Los Angeles, CA 90093
USA
zane@huckdoll.com

CERTIFICATE OF SERVICE BY FIRST-CLASS MAIL

On March 10th, 2010, I deposited in the United States Mail a properly addressed, postage prepaid envelope containing a true copy of this document served on:

Backcountry.com
1678 West Redstone Center Drive
Suite 210
Park City, UT 84098

I declare under the penalty of perjury of the State of California that the foregoing is true and correct.

Dated: March 10, 2010

/zanemurdock/
Zane Murdock
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USA
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